



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

Brunswick Planning Commission Minutes November 28, 2005

Commission Members Present: Chair Ed Gladstone, Vice Chair Connie Koenig, Council Liaison Walt Stull, Don Krigbaum, and Ellis Burruss, Alternate.

Staff Present: Planning & Zoning Administrator Rick Stup, City Development Review Planner Jeff Love, and County Planning Liaison Carole Larsen.

Chairman Gladstone called the meeting to order at 7:00 PM.

Chairman

Mr. Gladstone requested all those in attendance who were going to speak to rise and be sworn in.

Mr. Stup requested direction from the Planning Commission with regard to pursuing the adoption of Transit Orient Design Guidelines. After discussion by the Commission, it was their concurrence for Staff to proceed with the process recommended by the City Attorney to adopt the County Transit Oriented Design Guidelines as Guidelines and begin the amendment process for the Design Manual to add Transit Oriented Design Text and Design Information.

Minutes

The minutes of the September 26 meeting were reviewed and approved. (MOTION by Mr. Burruss and seconded by Mr. Krigbaum unanimously passed.)

Old Business

None.

New Business

Mr. Burruss recused himself on the next case and left the Dias and the room.

Zoning – Site Plans DoE

Brandywine, LLC Property – Located in the Northeast Quadrant of the intersection of East Potomac Street and First Avenue. Zoning Classification: B-3; Water and Sewer Classification: W-1, S-1; BR-AP-04-02-AP

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Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the Site Plan Condition of a Joint Use & Maintenance Agreement/Easement. He stated that the issue was being delayed due to a new process for this type of document.

Staff recommends approval of either a Joint Use & Maintenance Deed of Easement or License Agreement in accordance with Site Plan Approval with the following conditions:

1. Mayor & Council approve the draft Ordinances regulating uses within City Controlled Areas.
2. Staff and City Attorney review and approval of the revised Deed of Easement.
3. Staff is to forward a Recommendation from the Planning Commission for approval in the form of a Staff Report once Condition 1 & 2 are satisfied.
4. The applicant is responsible for any Recording Fees.
5. The original document is to be returned to the City for the filing.

Mr. Stup answered questions with regard to the proposal and Staff Recommendation to include the difference between Deed of Easement and License.

Applicant

None.

Public Comment

None.

Rebuttal

None.

Decision

Ms. Koenig made a motion to approve the request in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

VOTE: Yea 4 Nay 0

Mr. Burruss re-entered the room and Dias.

Master Plan – Out of Sequence Amendment

Frederick County Request for an Out of Sequence Master Plan Amendment to amend the Master Plan Map to include the Heart of the Civil War Heritage Area in the City of Brunswick Master Plan referred by the Mayor & Council by Resolution 05-16. BPc File Number BR-MP-05-02.

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Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the acceptance of the application for the Out-of-Sequence Master Plan Amendment Request to add the Heart of Civil War Heritage Area Plan. He explained the process and the conflict between the City Charter and 66B of the Annotated Code of Maryland with regard to the amendment process, and that Resolution 05-16 had been passed by the Mayor & Council on November 8, 2005 to begin the Master Plan Amendment Process. The only action by the Commission was to accept the application for Staff to begin the required routing process.

Mr. Stup answered Commission questions with regard to the proposed request and Staff Recommendation.

Ms. Larsen clarified some of the issues and further answered Commission questions.

Applicant

Mr. Stup stated that he had indicated to Janet Davis, County Historic Planner, that since she had a conflict due to a presentation to another municipality, that she didn't need to be in attendance. She will be available with her committee to give a formal presentation to the Commission when the request is on the agenda for action.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Krigbaum made a motion to accept the application in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

VOTE: Yea 5 Nay 0

Hopwood Enterprises, Inc. Request for an Out of Sequence Master Plan Amendment to amend the Master Plan Map to delete extension of Florida Avenue South of West Potomac Street referred by the Mayor & Council by Resolution 05-17. BPc File Number BR-MP-05-01.

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the acceptance of the application for the Out-of-Sequence Master Plan Amendment Request to delete the portion of Florida Avenue south of West Potomac Street. He explained the process and the conflict between the City Charter and 66B of the Annotated Code of Maryland with regard to the amendment process, and that Resolution 05-17 had been passed by the Mayor & Council on

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Staff Presentation and Recommendation Cont.

November 22, 2005 to begin the Master Plan Amendment Process. The only action by the Commission was to accept the application for Staff to begin the required routing process.

Mr. Stup answered Commission questions with regard to the proposed request and Staff Recommendation.

Applicant

None, since the item was to accept the application.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Burruss made a motion to accept the application in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

APFO – County

Review of the proposed Weinberg & Miller, P.A. and Miles & Stockbridge, P.C. amendment of the County APFO to add Section 1-20-7(F) with regard to Cluster Development exemption from the School Adequacy Requirements for recommendation to the Mayor & Council. FcPc File Number AT-05-05

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

Staff recommended that the Planning Commission forward a Denial Recommendation to the Mayor and Council for the following reasons:

1. The proposed amendment undermines the intent of the APFO School Test.
2. It creates additional opportunities for development to infringe into the Ag and Conservation Zones.
3. It encourages development outside of designated Growth Areas.
4. The City's ability to execute its Master Plan appears would be compromised.
5. It has the potential to further over crowd Brunswick High School Feeder from areas outside the Municipal Limits intended to be annexed for future growth of the City.

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Staff Presentation and Recommendation Cont.

Staff further recommends the recommendation be forwarded to the Mayor and Council as part of a Staff Report.

Mr. Stup answered Commission questions with regard to the proposed amendment and Staff Recommendation.

Applicant

None since the request was from Frederick County for comments.

Public Comment

Kim Cable commented on the City and County APFO and various amendments, and stated that she concurred with the Staff Report on this amendment.

Rebuttal

None.

Decision

Ms. Koenig made a motion to deny the amendments in accordance with Staff Recommendation; Mr. Krigbaum seconded the motion.

VOTE: Yea 5 Nay 0

2006 Submission Schedule Policy

2006 Submission, Posting, TAC Meetings, and Resubmission of items for Planning Commission Action.

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the 2006 Submission Schedule.

Staff recommendation was to adopt the 2006 Submittal Schedule as a Policy.

There were no questions from the Commission.

Public Comment

None.

Rebuttal

None.

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Decision

Mr. Krigbaum made a motion to approve the 2006 Submission Schedule in accordance with Staff Recommendation; Ms. Koenig seconded the motion.

VOTE: Yea 5 Nay 0

Public Comment

Mr. Stup announced that to date there would be a regular meeting on December 19. There is currently one item pending.

Mr. Gladstone questioned the status of the Master Plan Update and the County Brunswick Region Plan Update. Ms. Larsen indicated that the County Staff has proposed changes in the process to shorten the process, and currently the tentative schedule is estimated to begin in 2008. Mr. Stup added that the City cannot wait for the County, but additional help is needed to assist Staff on the Plan Update.

Adjournment

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

Edward Gladstone, Chair
Brunswick Planning Commission